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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION
14
15 UNITED STATES OF AMERICA,) CR No. 11-0572
16 Plaintiff,) [PROPOSED] STIPULATED ORDER
17 v.) CONTINUING CHANGE OF PLEA
18 LUIS PONCE ROMERO,) HEARING
19 Defendants.)
20 _____) **Current Hearing Date:** **September 11, 2013**
Time: 11:00 am
Judge: Hon. Susan Illston
Proposed Hearing Date: **October 18, 2013**
Time: 11:00 am
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[PROPOSED] STIPULATED ORDER CONTINUING CHANGE OF PLEA
CR 11-0572 SI

1 The above-captioned case is currently scheduled for a change-of-plea on September 11,
2 2013. However, the parties need additional time to finalize the proposed disposition in this
3 matter in light of the Supreme Court's recent decision in *United States v. Davila* and certain
4 outstanding factual issues in the case. Accordingly, the parties jointly request that the change-
5 of-plea be continued to Friday, October 18, 2013.

6 Further, the parties stipulate and jointly request that time be excluded from the Speedy
7 Trial Act calculations from September 11, 2013 through October 18, 2013 for effective
8 preparation and continuity of counsel. The parties agree that the ends of justice served by
9 granting such a continuance outweighed the best interests of the public and the defendants in a
10 speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

11 Pursuant to 18 U.S.C. § 3161, and Crim. Loc. Rule 47-2(c), there are seventy (70) days
12 remaining before the trial in this case must commence. Taking into account the proposed
13 exclusion of time, the "speedy trial" date for this matter would therefore be December 27, 2013.
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15 IT IS SO STIPULATED.

16 _____

/s/

17 DATED

MELINDA HAAG
United States Attorney
Northern District of California
MATTHEW L. McCARTHY
Assistant United States Attorney

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/s/

22 DATED

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Attorney for Luis Ponce Romero

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2 **[PROPOSED] ORDER**

3 For good cause shown, the change of plea hearing now scheduled for September
4 11, 2013 is vacated. The matter shall be added to the Court's calendar on Friday, October 18,
5 2013 at 11:00 a.m. for change of plea.

6 In addition, for the reasons stated above, the Court finds that an exclusion of time
7 from September 11, 2013 through October 18, 2013 is warranted and that the ends of justice
8 served by the continuance outweigh the best interests of the public and the defendant in a speedy
9 trial. See 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny
10 defense counsel the reasonable time necessary for effective preparation, taking into account the
11 exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C.
12 §3161(h)(7)(B)(iv). Pursuant to 18 U.S.C. § 3161, and Crim. Loc. Rule 47-2(c), there are
13 seventy (70) days remaining before the trial in this case must commence, and the "speedy trial"
14 date by which trial must commence is therefore December 27, 2013.

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17 IT IS SO ORDERED.

18 9/11/13

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20 DATED

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22 HON. SUSAN ILLSTON
23 United States District Court Judge